

ZUCKER STEINBERG & WIXTED

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Attorneys for Plaintiffs Plotkin

DIANE PLOTKIN and RICHARD
PLOTKIN

Plaintiffs,

- vs -

WALMART and/or ABC CORPORATION
#1-5 (fictitious name) i/j/s/a

Defendants.

SUPERIOR COURT OF NEW JERSEY
CAMDEN COUNTY/ LAW DIVISION

Docket No. CAM-

Civil Action

PLAINTIFF'S COMPLAINT AND
DEMAND FOR JURY TRIAL

Plaintiffs, Diane Plotkin and Richard Plotkin, residing at 9 Christopher Road, Voorhees, NJ, say
by way of Complaint:

PARTIES

1. At all times herein, Walmart is on information and belief, a corporation authorized to do business in the State of New Jersey with store located at 265 NJ-73, West Berlin, NJ, in the State of New Jersey.
2. At all times herein, ABC Corporation #1-5 (fictitious entity), is the name of an unknown entity (yet to be ascertained) acting as an agent, servant and/or employee of defendant Walmart.

FIRST COUNT

4. Plaintiff repeats all of the foregoing allegations as if set forth at length herein.
5. On or about August 11, 2019, Plaintiff, Diane Plotkin, was purchasing composite and large bags of garden soil from Walmart and/or ABC Corporation #1-5 (fictitious name), whose address of business is 265 NJ-73, West Berlin, NJ, in the State of New Jersey.
6. Plaintiff asked store employees to assist her with obtaining the heavy bags, in which help was not provided to her.
7. Therefore Plaintiff had to maneuver around objects which were throughout the area where the bags were located.
8. The items caused an unreasonably dangerous condition in the store.
9. Defendants Walmart and/or the ABC defendants are responsible to maintain the premises and conducts its operations in a reasonably safe manner.
10. By failing to assist plaintiff and cause her to load bags herself in an area which was in a hazardous condition, Walmart, through its employees was careless and/or negligent.
11. While fending for herself, Plaintiff fell over a palette which was in the area and not reasonably secured. .
12. As a direct and proximate result of the negligence of the defendants as aforesaid, the plaintiff did suffer, is suffering and will, in the future, suffer great pain and discomfort, has incurred, is incurring and will in the future, be caused to incur great expense for hospital and/or medical treatment in an effort to rectify her injurie and was otherwise damaged.

WHEREFORE, plaintiffs, Diane Plotkin and Richard Plotkin, demands Judgment on this Count against defendants, Walmart and/or ABC Corporation #105 (fictitious name) and/or

John Doe #1-5 (fictitious name), individually, jointly, severally and/or in the alternative, for such sums of money that plaintiffs may be entitled under the laws of the State of New Jersey together with damages, interest and costs of suit.

SECOND COUNT

13. Plaintiffs repeat all of the foregoing allegations as if set forth at length herein.
14. Plaintiff Richard Plotkin is the spouse of the Plaintiff Diane Plotkin.
15. As a result of this incident, Richard Plotkin has been deprived of the services, society and companionship of his wife Diane Plotkin.

WHEREFORE, plaintiffs, Diane Plotkin and Richard Plotkin, demands Judgment on this Count against defendants, Walmart and/or ABC Corporation #105 (fictitious name) and/or John Doe #1-5 (fictitious name), individually, jointly, severally and/or in the alternative, for such sums of money that plaintiffs may be entitled under the laws of the State of New Jersey together with damages, interest and costs of suit.

ZUCKER STEINBERG
& WIXTED, PA

By /s/ Saul J. Steinberg
SAUL J. STEINBERG
Attorney for Plaintiffs

Dated: July 9, 2021

JURY TRIAL DEMAND

Plaintiff, Diane Plotkin. hereby demands a trial by jury as to all issues.

ZUCKER STEINBERG
& WIXTED, PA

By /s/ Saul J. Steinberg
SAUL J. STEINBERG
Attorney for Plaintiffs

Dated: July 21, 2021

CERTIFICATION PURSUANT TO R. 4:5-1

The plaintiffs hereby certify that the matter in controversy is not the subject of any other pending or contemplated court action or arbitration proceeding. The plaintiffs further certify that they are not aware of any further parties who should be joined in this action.

ZUCKER STEINBERG
& WIXTED, PA

By /s/ Saul J. Steinberg
SAUL J. STEINBERG
Attorney for Plaintiffs

Dated: July 9, 2021